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To: Mr. M. Joseph Fontenot, Jr.
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From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: April 21, 2026

Subject: Louisiana State Board of Pharmacy
Proposed Amendment to LAC 46:LIII.1145
Regulatory Project 2026-02 ~ Remote Access by a Pharmacy Technician

I. SUMMARY

The Louisiana State Board of Pharmacy (the “**Board**”) proposes amending LAC 46:LIII.1145 (the “**Proposed Amendment**”), relative to remote access to prescription drug orders, medical orders, and chart orders by pharmacy technicians. The Proposed Amendment (i) adds pharmacy technicians to those authorized to access pharmacy dispensing information systems from non-pharmacy locations, and (ii) includes safeguards for records, supervision requirements, and policies to address quality assurance standards.

The Board published a Notice of Intent to promulgate the Proposed Amendment on January 20, 2026.¹ The Notice invited public comments and testimony on this Proposed Amendment on February 26, 2026 and received no written or oral public comments.²

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendment to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on March 13, 2026. The OLRP invited public comments on the Proposed Amendment March 16, 2026 through March 26, 2026 and received no comments.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law.³ An Occupational Regulation is a “rule defined in the Administrative Procedure Act (“**APA**”) that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active

¹ Louisiana Register Vol. 52, No. 1 pgs. 130-132

² Id. at 132

³ LSA-R.S. 49:260 (D)(2)

market participants is excluded.”⁴ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁵

The Louisiana APA defines a rule as any agency statement, guide, or requirement of general applicability that implements or interprets substantive law or policy, or that prescribes agency procedures or practices, excluding statements governing only internal agency management, declaratory rulings or orders, and provisions adopting, increasing, or decreasing fees.⁶ The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area.

As set forth below, the OLRP has determined that while the Board’s Proposed Amendment to LAC 46: LIII §1145 is a rule that may govern the practice of pharmacy, it does not constitute an occupational regulation with anticompetitive effects within the meaning of La. R.S. 49:260. Accordingly, the Board may promulgate the Proposed Amendment without further input from the OLRP.

II. ANALYSIS

The Louisiana Pharmacy Practice Act (“*LPPA*”), La. R.S. 37:1161 *et seq.*, subjects the practice of pharmacy in the State of Louisiana to the regulation of the Board to promote, preserve, and protect the public health, safety, and welfare through the effective control of the regulation of the pharmaceutical practice and the licensure, permitting, certification, registration, control and regulation of all persons or sites in or out of this state that sell drugs or devices within this state.⁷ Specifically, the Board is authorized to regulate, license, certify, and register the training, qualification, and employment of pharmacy interns and pharmacy technicians⁸ and establish minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for the storage, compounding, and dispensing of drugs or devices.⁹

A. Proposed LAC 46:LIII.1145- Remote Access by a Pharmacy Technician

The Board proposes amending §1145 to authorize Louisiana credentialed pharmacy technicians, in addition to pharmacists, to remotely access and process prescription drug orders, medical orders, and chart orders from a location other than the permitted pharmacy. The Proposed Amendment also establishes required safeguards to protect the privacy and security of confidential records and sets forth supervision and operational conditions, including pharmacist oversight and real-time two-way audio and video communication between the pharmacist and the pharmacy technician during remote processing.

⁴ LSA-R.S. 49:260 (G)(4)

⁵ Black’s Law Dictionary, 12th Edition p. 116

⁶ LSA-R.S. 49:951 (8)

⁷ LSA-R.S. 37:1163

⁸ LSA-R.S. 37:1182 (A)(12)

⁹ LSA-R.S. 37:1182 (A)(13)

The Board has the statutory authority to make necessary rules and regulations.¹⁰ Additionally, the Board is authorized to regulate, license, certify, and register the training, qualification, and employment of pharmacy interns and pharmacy technicians¹¹ and establish minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for the storage, compounding, and dispensing of drugs or devices.¹² As such, the Board has the authority to permit pharmacy technicians to remotely access pharmacy dispensing information systems and establish safeguards for records, supervision requirements, and policies to address quality assurance standards.

Although the Proposed Amendment permits pharmacy technicians to access and process prescription drug orders, medical orders, and chart orders from locations other than the permitted pharmacy and establishes safeguards for records and quality assurance, it does not impose any barriers to market entry. There are no reasonably foreseeable anticompetitive effects, as the Proposed Amendment does not limit competition, reduce consumer choice, or create barriers to market participation. Thus, the Proposed Amendment does not restrict entry into the profession or occupation and does not constitute an occupational regulation as defined by La. R.S. 49:260.

Therefore, the Board may proceed with promulgation of the Proposed Amendment in accordance with the Louisiana APA without further input from the OLRP.

III. DETERMINATION

The Board is a state regulatory body created by the LPPA to “promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of pharmacy; the licensure of pharmacists; and the licensure, permitting, certification, registration, control, and regulation of all persons or sites in or out of this state that sell drugs or devices to consumers and/or patients or assist in the practice of pharmacy within the state.”¹³ The Board is responsible for the control and regulation of the practice of pharmacy¹⁴ and holds the statutory authority to establish minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for the storage, compounding, and dispensing of drugs or devices.¹⁵ However, the Proposed Amendment does not constitute an occupational regulation with reasonably foreseeable anticompetitive effects within the meaning of La R.S. 49:260. Therefore, the Board may proceed with promulgation of the Proposed Amendment in accordance with the Louisiana APA without further input from the OLRP.

¹⁰ LSA-R.S. 37:1182 (A)(1)

¹¹ LSA-R.S. 37:1182 (A)(12)

¹² LSA-R.S. 37:1182 (A)(13)

¹³ LSA-R.S. 37:1163, LA R.S. 37:1171

¹⁴ LSA-R.S. 37:1182

¹⁵ LSA-R.S. 37:1182 (A)(13)

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OCCUPATIONAL LICENSING REVIEW PROGRAM

A handwritten signature in blue ink, appearing to read "Farra Mughal".

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